

Chapter 12

CONVENTION AND ENTERTAINMENT FACILITIES*

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ARTICLE I. IN GENERAL†

Sec. 12-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means a person who applies to the department for occupancy of a facility.

Approved applicant means an applicant whose application for use of a facility has been considered and approved by the director, but who is not yet a licensee as herein defined.

Class I event means an event, other than a seated meal or a convention, trade show or corporate meeting, sponsored by any group other than a nonprofit organization.

Class II event means an event, other than a seated meal or a convention, trade show or corporate meeting, sponsored solely by a nonprofit organization.

Class III event means a seated meal, other than a seated meal that is conducted as part of a convention, trade show or corporate meeting.

Convention, trade show or corporate meeting means a gathering that is conducted at the George R. Brown Convention Center of the

members of an organization or the practitioners of a specific trade or the employees of a specific corporation:

- (1) That is generally held at sites located in the United States or other countries on a regularly scheduled basis; and
- (2) Whose site is generally selected by competitive bid; and
- (3) Whose patrons will, based upon the director's projection, occupy 400 or more traceable sleeping rooms for two or more nights in any one or more buildings located within the corporate limits of the city where the public may obtain sleeping accommodations for a consideration in excess of \$2.00 per day. The term "building" includes hotels, motels, tourist homes, tourist houses, tourist courts, lodging houses, inns, rooming houses, or other buildings where rooms are furnished for consideration, but excludes hospitals, sanitariums and nursing homes.

Department means the convention and entertainment facilities department.

Director means the director of the department, or any person designated by the director to perform any of the director's functions.

***Editor's note**—Ord. No. 96-50, § 1, adopted Jan. 17, 1996, changed the name of this chapter from "civic center" to "convention and entertainment facilities."

Charter reference—Authority of city to own convention halls, etc., Art. II, § 7a.

Cross references—Smoking in public, § 28-27 et seq.; dogs in buildings under management of convention and entertainment facilities department, § 28-31; use of candles on certain city properties, § 28-32; parks and recreation generally, Ch. 32.

†**Editor's note**—Ord. No. 96-50, § 3, adopted Jan. 17, 1996, did not specifically repeal former art. I, §§ 12-1—12-7, and art. II, §§ 12-30—12-53; hence, the provisions of section 3 of said ordinance have been treated as superseding former art. I and art. II. See the Code Comparative Table.

Event means any type of function or activity for which a facility may be occupied.

Facility means the Jesse H. Jones Hall for the Performing Arts, the Gus S. Wortham Theater Center, or the George R. Brown Convention Center, or any part or parts thereof.

Firearm means any device designed, made, or adapted to expel a projectile through a barrel or cylinder by using the energy generated by an explosion or burning substance or pressurized air or gas or any device readily convertible to that use.

General admission or festival seating means ticketed, seated events in which seating is unassigned and available only on a first come, first served basis.

Gun show means any event at which firearms are displayed and are available for purchase by members of the public. The term does not include an "outdoor trade show," as defined below.

Holiday means any day designated by city council as a holiday to be observed by the general closure of city offices.

Licensee means an approved applicant who has entered into a license agreement and has submitted any required deposit(s) or paid the rental fee provided that the term shall not include any person whose license agreement has been terminated or cancelled.

Nonprofit organization means an entity organized for religious or not-for-profit purposes that holds a determination letter from the Internal Revenue Service that it is exempt from taxes under section 501(a) of the Internal Revenue Code of 1986, as amended, by virtue of section 501(c)(3); a church or a convention or association of churches within the meaning of section 170(b)(1)(A)(ii) of the Internal Revenue Code of 1986 as amended; or an entity listed in Internal Revenue Service Publication No. 72, *Cumulative List of Organizations Described in Section 170(c) of the Internal Revenue Code of 1986, as amended*. The term also includes the State of Texas and the United States of America and their agencies and political subdivisions.

Occupancy means that the licensee, his agent, employee, contractor, subcontractor, or any patron of the licensee's event, is physically present within the facility.

Outdoor trade show means a convention, trade show or corporate meeting, as defined herein, that consists of a national or state association convention primarily involving the display of products by business entities engaged in the shooting, hunting or outdoor sports industries, that is open to industry representatives and the media, and that is not open to the general public; provided that no firearms or ammunition shall be made available for retail purchase and that any firearms that may be made available for retail purchase and any firearms or ammunition that may be displayed shall have been deactivated and rendered incapable of being fired.

Parking facility means the Theater District Garage (formerly known as the Tranquillity Parking Garage and the Civic Center Garage), any of the George R. Brown Convention Center surface lots operated by the department, the Fannin Garage, city parking lot C or H, the municipal courts parking lot, or the Margaret Westerman City Hall Annex Parking Garage.

Properties means the facilities and the parking facilities.

Rental fee means the total of all charges prescribed in this chapter for the use or occupancy of a facility.

Run of events means two or more consecutive events sponsored or promoted by the same person, occurring in the same facility, and consisting of the same subject matter, for which patrons must purchase separate tickets.

Season of events means a series of events during any period between September 1 to August 31, for which multiple tickets are sold at one price for the series, entitling the purchaser to admission to at least four events in the series, provided that the season of events is advertised as such, and all of the events occur in the same facility.

Student event means an event other than a seated meal or a convention, trade show or

corporate meeting held on a regularly scheduled school day between the hours of 8:00 a.m. and 12:00 noon, or between the hours of 9:00 a.m. and 1:00 p.m., or between the hours of 10:00 a.m. and 2:00 p.m., at which at least 90 percent of the patrons are enrolled in elementary, junior high, or senior high schools.

(Ord. No. 96-50, § 3, 1-17-96; Ord. No. 98-894, § 1, 10-7-98; Ord. No. 03-1174, § 1, 12-3-03; Ord. No. 05-995, § 2, 8-24-05)

Sec. 12-2. Department created.

There is hereby created the convention and entertainment facilities department of the city.
(Ord. No. 96-50, § 3, 1-17-96)

Sec. 12-3. Director.

The office of director of the convention and entertainment facilities department is hereby created. The director shall be head of the department and shall be appointed by the mayor and confirmed by the city council.

(Ord. No. 96-50, § 3, 1-17-96)

Sec. 12-4. Former name; references.

To the extent that this Code or any other ordinance or any motion, resolution, contract or other document devolves duties upon the former civic center department or upon the employees or director thereof, then such references shall be construed to mean the convention and entertainment facilities department and the employees and director thereof.

(Ord. No. 96-50, § 3, 1-17-96)

Sec. 12-5. Duties of the director.

The director shall perform all duties and responsibilities as are required of him by law and such other functions, duties and powers as may be assigned to him by the mayor. Without limiting the foregoing duties, functions, powers and responsibilities, the director shall:

- (1) Be executive head of the department and have control, supervision and authority over all officers and employees therein in the performance of the duties of the department.

- (2) Direct, control and manage the properties, including the grounds surrounding them, and any other premises placed under his control by the mayor, and direct the improvement and maintenance thereof.

- (3) Promulgate and enforce or cause to be enforced administrative rules and regulations governing the use, control and operation of the properties and any other premises placed under his control, including, without limitation, rules regarding the acceptance, review and approval of applications for occupancy, and the rental and use of the properties. The rules and regulations shall not be inconsistent with applicable state, federal or local laws, rules and regulations. A copy of the rules and regulations shall be maintained for public inspection in the offices of the director and the city secretary.

- (4) Accept, review and approve applications for use of the properties, including the grounds surrounding them.

- (5) Rent the facilities utilizing license agreements.

- (6) Manage all facilities and operations for public parking assigned to the department.*

- (7) Serve, or designate a person within his department to serve, as an ex-officio member of the public parking commission authorized by article III of this chapter.*

(Ord. No. 96-50, § 3, 1-17-96; Ord. No. 96-1379, § 2, 12-18-96; Ord. No. 05-995, § 3, 8-24-05)

***Note**—To the extent that the Code of Ordinances, Houston, Texas, or any other ordinance or any motion, resolution, or other document devolves duties relating to the management of parking spaces in the City upon the Municipal Courts Administrative Department or the Director or Chief Clerk thereof, then such references shall be construed to mean the Convention and Entertainment Facilities Department and the Director thereof.

Note—It should also be noted that section 9 of Ord. No. 05-995 states that this ordinance shall take effect at 12:01 a.m. on October 1, 2005.

Sec. 12-6. Hearing.

Any interested person who is aggrieved by a decision made under this chapter regarding the

rental or use of the facilities or the parking facilities by the director may request a hearing by filing in writing a request for the hearing in the office of the director within ten days of the person's receipt of notice of the decision upon which the hearing is requested. The hearing shall be conducted informally by an impartial hearing officer under rules promulgated by the director. In addition to the appellant, any other person who has a direct interest in the matter shall be notified and, upon request, shall also be allowed to participate as a party to the proceeding. The director shall cause the hearing to be conducted and a written decision to be rendered within 20 days from the date of receipt of the request, unless an extension of time is granted by the hearing officer for cause. The decision of the hearing officer shall be final. (Ord. No. 96-50, § 3, 1-17-96)

Sec. 12-7. Compliance with law required.

(a) All licensees and other users of any of the properties, and their officers, agents and employees, shall comply with the applicable provisions of this Code, the Construction Code, the Fire Code, state and federal law, and the rules and regulations promulgated by the director.

(b) The director, all other employees of the department and members of the City of Houston Police Department are hereby individually and severally authorized and directed for and on behalf of the city to notify any person who fails or refuses to comply with any applicable provision of law or of departmental rules and regulations to depart from any city property or building under the control of the department. Any such person who upon such notice fails to depart from any such property or building shall be subject to prosecution under section 30.05 of the Texas Penal Code for criminal trespass in addition to prosecution for any other crime that he may have committed thereupon.

(Ord. No. 96-50, § 3, 1-17-96; Ord. No. 02-399, § 43, 5-15-02)

Secs. 12-8—12-20. Reserved.

ARTICLE II. RENTAL OF FACILITIES

DIVISION 1. IN GENERAL

Sec. 12-21. License agreement.

The director, for the mayor and on behalf of the city, may execute written license agreements upon standard forms, including such terms, conditions and stipulations as the city attorney may approve.

(Ord. No. 96-50, § 3, 1-17-96; Ord. No. 96-1379, § 2, 12-18-96)

Sec. 12-22. General admission seating prohibited.

General admission seating or festival seating is not permitted except upon express written permission of the director and shall be authorized only if the director determines that use of general admission will not result in a significant chance of injury to persons or damage to property. Except where permission for general admission seating or festival seating has been granted, the licensee shall issue a fixed number of tickets, each specifying the location of the attendee's seat by the seat number, the row in which the attendee's seat is located, and the section in which the row is located, which may not exceed the maximum seating capacity of the facility. The director may request that any licensee provide a certified ticket manifest to demonstrate compliance with this section.

(Ord. No. 96-50, § 3, 1-17-96; Ord. No. 96-1379, § 2, 12-18-96)

Sec. 12-23. City owned/sponsored events.

The director may provide by rule for the use of the properties for city sponsored not-for-profit events, events hosted by the department, events hosted by other city departments and other events of similar character that are determined by the director or the city council to merit an occupancy on terms other than are as generally provided in this chapter. Any such use shall be consistent with applicable laws and any covenants governing the city's use of the facility. Unless otherwise provided by the director, such uses shall be secondary to conventional uses by license agreement

and shall be subject to cancellation by the director if the director determines the cancellation to be in the best interest of the city. In establishing fees for such uses, the director shall seek to recover the rental rate for such occupancy or the city's operating costs for the occupancy, whichever is less. However, the director may sponsor an event at no charge, if, in his reasoned judgment, the event will generate direct or indirect business for the department and the department is clearly identified as a sponsor for the event.

(Ord. No. 96-50, § 3, 1-17-96; Ord. No. 96-1379, § 2, 12-18-96)

Sec. 12-24. Reserved.

Editor's note—Ord. No. 03-1174, § 2, adopted December 3, 2003, repealed § 12-24 in its entirety. Formerly, said section pertained to use of facilities for gun shows and derived from Ord. No. 96-50, § 3, 1-17-96, Ord. No. 96-1379, § 2, 12-18-96.

Secs. 12-25—12-30. Reserved.

DIVISION 2. RENTAL PROVISIONS

Sec. 12-31. Application.

(a) Any person who desires to occupy or have occupancy of any of the facilities shall make application to the director in any form deemed acceptable by the director, which shall require the provision of any information reasonably required by the director to make any determination necessary under this chapter or the rules and regulations promulgated hereunder. Without limitation, the director may require the submission of a non-refundable application processing fee, which shall not be applied toward any rental fees, to defray any costs of processing the application.

(b) The director shall review and approve an application unless:

- (1) The application is incomplete or any statement or information included therein is found to be materially false or intentionally misleading;
- (2) The applicant is in default of a license agreement;
- (3) The facility requested is unavailable upon the date or dates requested;
- (4) Based upon the provisions of section 12-33, the director has determined that the applicant is not entitled to occupy the facility requested;
- (5) Based upon the schedule set forth in section 12-32, the application was not timely submitted;
- (6) The applicant has for any other reason failed to demonstrate compliance with the terms of this chapter and applicable rules and regulations; or
- (7) The proposed event will, in the director's determination, conflict either physically or practically with an event previously scheduled in the facility.

(c) In accordance with the director's rules and regulations, one application may be made for a season of events or a run of events, and applications may be made for alternate dates for the same event.

(d) If the application is approved, the director shall notify the approved applicant and advise the approved applicant of the requirements for entering into a license agreement and becoming a licensee.

(e) If the application is denied, the director shall so notify the applicant in writing of the reasons therefor. If the director determines that the reasons for the denial are curable, he shall allow the applicant to amend and resubmit the application, without payment of an additional application fee.

(Ord. No. 96-50, § 3, 1-17-96; Ord. No. 96-1379, §§ 2, 3, 12-18-96; Ord. No. 03-1174, § 3, 12-3-03)

Sec. 12-32. Advance booking periods.

(a) An application for an event of any type at the George R. Brown Convention Center may be submitted no sooner than the time prescribed in the applicable rules of the director.

(b) For facilities other than the George R. Brown Convention Center:

- (1) An application for a season of events, for a run of events in a season of events or for a run of events that is not part of a season of events may be submitted no sooner than the time prescribed in the applicable rules of the director.
- (2) An application for any other event may be submitted no more than 450 days before the proposed date of the event.

(Ord. No. 96-50, § 3, 1-17-96)

Sec. 12-33. Risk index; damage deposit.

(a) Based upon information provided in the application, information obtained from operators of other facilities, information obtained from other sources that are believed to be credible, and information contained in records of the department, the director shall use the following formula and table to determine the license agreement damage deposit that the applicant shall be required to furnish:

$$\text{Deposit Indicator} = 5A + 3B + 5C + 3D + 3E$$

In the above formula:

- (1) *A* represents the risk of damage to a facility occasioned by acts of the applicant, his agents, employees, contractors, subcontractors, and patrons at the event. The director shall assign a numerical rating from 1 to 5 to the risk of damage. A rating of 1 represents the lowest risk of damage to the facility. In making the determination as to the numerical rating that the event should receive, the director shall consider:
 - a. Damage to the facilities or injury to persons that has resulted from the same event or similar events in the past at the facilities.
 - b. Damage to the facilities or injury to persons that has resulted from the same event or similar events in the past at other facilities in the United States.
 - c. Damage to the facilities or injury to persons that resulted from other events sponsored or promoted by the applicant in the past at the facilities.
 - d. Damage to the facilities or injury to persons that has resulted from other events sponsored or promoted by applicant in the past at other facilities in the United States.
 - e. The probability that patrons at the event will engage in any of the following activities in the facilities:
 1. Spitting, except in the restrooms.
 2. Fighting.
 3. Smoking in areas other than those designated as areas where smoking is permitted.
 4. Drinking in areas other than those designated as areas where drinking is permitted.
 5. Eating in areas other than those designated as areas where eating is permitted.
 6. Possessing weapons or controlled substances on their persons.
 7. Standing on seats.
 8. Defacing the facilities.
 9. Rushing the stage.
- (2) *B* represents the applicant's compliance history. The director shall assign a numerical rating from 1 to 5 to the applicant's history of compliance with the ordinances, rules, regulations and policies governing the facilities, particularly those ordinances, rules, regulations and policies that relate to the health and safety of the public or to the condition of the facilities. A rating of 1 represents consistent compliance with such ordinances, rules, regulations and policies. An applicant who has never occupied one or more of the facilities shall be given an initial rating of 3.
- (3) *C* represents the applicant's history of meeting his financial obligations with the department. The director shall rate such history on a scale from 1 to 5. A rating of 1 represents the lowest risk of failure in meeting such financial obligations. In making a determination as to the rating of the applicant's history of meeting his financial obligations with the department, the director shall examine the records of the department for the three years prior to the date of the application. The director, in the course of such an examination, shall consider:
 - a. Whether the applicant has met his financial obligations to the city with regard to rental fees; and
 - b. Whether the applicant has met his financial obligations to the city with regard to any other charges that the city has assessed.

Applicants who have never occupied any facility shall be given an initial rating of 3.
- (4) *D* represents the applicant's credit rating. The director shall rate the applicant's

credit rating on a scale of 1 to 5. A rating of 1 represents the best credit rating. In making a determination as to the rating that the applicant's credit rating should receive, the director shall consider:

- a. Reports from the owners of other facilities that the applicant has occupied.
 - b. A report from at least one of the banks in which the applicant maintains a checking and/or savings account.
- (5) *E* represents the probability of incurring additional charges in the form of charges for additional time, charges for the use of equipment of any type, or charges for use of additional square footage.

(b) The deposit indicator shall be applied to the following table to compute the amount of the damage deposit.

<i>Deposit Indicator</i>	<i>Amount of Deposit</i>
19—26	\$1,000.00
27—40	2,000.00
41—60	4,000.00
61—70	6,000.00
71—80	10,000.00

If the deposit indicator is greater than 80, the director may determine that the applicant is not entitled to occupy the facility or may require a license agreement damage deposit in an amount greater than the amounts in the table above.

(Ord. No. 96-50, § 3, 1-17-96; Ord. No. 03-1174, § 4, 12-3-03)

Sec. 12-34. Priority of events; challenge.

(a) Applications shall be processed on a first-come-first-served basis. An amended application shall be treated as a new application for purposes of determining priority, if the amendment causes a change of any date or time of occupancy of a facility.

(b) Where an applicant submits an application that is subject to approval in all respects but for the fact that there is already an approved appli-

cant for use of any requested facility at the same time, then the first approved applicant's requested rental shall be challenged as follows:

- (1) The director shall cancel the first approved applicant's requested rental, if the director determines that the second applicant's proposed use will result in at least as much revenue to the department and will result in greater economic benefit to the community, provided that the second applicant, within ten days of notice from the director, proceeds to take the steps necessary to become a licensee for the purposes proposed in his application.
- (2) If the director determines that the economic circumstances specified in item (1) do not exist, then the director shall notify the first approved applicant that his right of occupancy has been challenged and that he must take the steps necessary to become a licensee for the purposes proposed in his application. Challenges shall be conducted in accordance with rules promulgated for that purpose by the director.

(Ord. No. 96-50, § 3, 1-17-96)

Sec. 12-35. Transition to licensee status.

In order to become a licensee, an approved applicant must post any required damage deposit, provide proof of insurance in the amount required under regulations established by the director and pay or make a deposit toward the rental fee in accordance with the rules promulgated by the director; then the approved applicant and the department shall execute a license agreement.

(Ord. No. 96-50, § 3, 1-17-96; Ord. No. 96-1379, § 2, 12-18-96)

Sec. 12-36. Cancellation by director.

(a) The director may cancel an approved application in accordance with rules promulgated for that purpose in the event that the approved applicant fails to timely take any action that is necessary to become a licensee. In lieu of cancellation, the director may apply other remedies that are consistent with the terms of the director's rules and the license agreement.

(b) The director shall cancel any license agreement if the event being promoted or sponsored by the licensee has been declared obscene within the community of Houston, Texas, by a court of competent jurisdiction. The director may cancel a license agreement or order an event closed if injury or damage to the facilities or the licensees or patrons thereof is imminent.

(c) The director may cancel an event or order a licensee to close if the licensee does not use and occupy a facility or any specific portion thereof for the purpose described in the applicable license agreement.

(d) The director may cancel a license agreement upon any failure of the licensee to observe any of the terms of the license agreement or upon failure of the licensee to make payment(s) of his rental fee in a timely manner.

(e) Where additional information about a licensee comes to the attention of the director, the director may reassess the licensee's damage deposit determination under section 12-33 of this Code. Based upon the reassessment and consistent with section 12-33, the director may cancel the license agreement or require that the deposit amount be adjusted.

(Ord. No. 96-50, § 3, 1-17-96; Ord. No. 96-1379, § 2, 12-18-96; Ord. No. 03-1174, § 5, 12-3-03)

Sec. 12-37. Cancellation by licensee—Refund.

(a) A licensee may cancel his license agreement by delivering to the director written notification of the cancellation, which shall be effective upon the date the director receives the written notification.

(b) The provisions of this subsection are applicable to a cancelling licensee other than one who has obtained his license agreement by virtue of the provisions of subsection (b) of section 12-34 of this Code. The cancelling licensee shall be entitled to a refund of the rental fee for each definite date that the director resells. If the director is unable to resell a definite date previously held by a cancelling licensee, the cancelling licensee shall

owe the city the amount of liquidated damages provided for in the cancelling licensee's license agreement.

(c) A cancelling licensee who has obtained his license agreement by virtue of the provisions of subsection (b) of section 12-34 of this Code shall not be entitled to a refund.

(Ord. No. 96-50, § 3, 1-17-96; Ord. No. 96-1379, § 2, 12-18-96)

Sec. 12-38. Same—Change of date.

(a) A cancelling licensee who has obtained his license agreement by virtue of the provisions of subsection (b) of section 12-34 of this Code shall not be entitled to the amendment or reformation of the license agreement to provide for use or occupancy at a different time.

(b) This subsection applies to cancelling licensees other than those who are subject to subsection (a), above. The director shall promulgate rules under which license agreements may be amended or reformed to provide for use or occupancy at different times. For purposes of priority, a request to amend or reform shall have the same status as an original application for occupancy under section 12-34 of this Code.

(Ord. No. 96-50, § 3, 1-17-96; Ord. No. 96-1379, § 2, 12-18-96)

Sec. 12-39. Refund for unused space or time.

No refund will be made to a licensee if the licensee does not use all of the space or time contracted for pursuant to the license agreement or for the purpose described in the license agreement.

(Ord. No. 96-50, § 3, 1-17-96; Ord. No. 96-1379, § 2, 12-18-96)

Sec. 12-40. Director's reservations for the George R. Brown Convention Center.

For conventions, trade shows, and corporate meetings, the director may place a temporary reservation on the George R. Brown Convention Center for a date or dates certain requested by a potential licensee to accommodate the potential licensee's planning and scheduling of the event.

The director shall not extend such a temporary reservation unless he has substantial reason to believe that the potential licensee has serious intentions to utilize the facility and will be able to qualify to obtain a license agreement. During the period of a temporary reservation, the potential licensee shall have the same rights and privileges and shall be treated in all respects as an approved applicant. The director need not receive an application from the potential licensee in order to grant a temporary reservation. The potential licensee's right of occupancy may be challenged in the same manner as provided in section 12-34(b) of this Code.

(Ord. No. 96-50, § 3, 1-17-96; Ord. No. 96-1379, § 2, 12-18-96)

Secs. 12-41—12-45. Reserved.

DIVISION 3. RENTAL RATES FOR FACILITIES

Sec. 12-46. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Additional time means the period of time during which a licensee occupies a facility in excess of the hours specified in his license agreement.

Day, with respect to occupancy of the George R. Brown Convention Center, means the period of time from 6:00 a.m. to 5:59 a.m. and, with respect to all other facilities, means the period of time from 8:00 a.m. to 2:00 a.m.

Event period means:

- (1) Any period of six consecutive hours between the hours of 6:00 a.m. and 4:00 p.m.;
- (2) Any period of eight consecutive hours between the hours of 8:00 a.m. and 8:00 p.m.; or
- (3) The period of ten consecutive hours between the hours of 4:00 p.m. and 2:00 a.m.

during which a licensee conducts an event in a facility.

Exhibit space charge means the exhibit space rate of \$0.65 to \$1.25 per net square foot multiplied by the total exhibit space in square feet.

Function space means the Meeting Rooms, the Ballroom or the General Assembly Hall in the George R. Brown Convention Center, or any portion or combination thereof.

Gross ticket sales means that total dollar amount received from all tickets sold for all of a licensee's events, excluding any and all applicable taxes.

Hour means a period of time greater than 30 minutes and less than 61 minutes.

Non-event day means a day on which the event for which the facility is occupied is not being conducted but during which the licensee requires access to the facility in order to set up or break down for the event or perform other incidental activities.

Non-event period means:

- (1) Any period of six consecutive hours between the hours of 6:00 a.m. and 4:00 p.m.;
- (2) Any period of eight consecutive hours between the hours of 8:00 a.m. and 8:00 p.m.; or
- (3) The period of ten consecutive hours between the hours of 4:00 p.m. and 2:00 a.m.

during which a licensee does not actually conduct an event but requires access to the facility in order to set up, break down, or perform other incidental activities relating to an event.

Rental charge means the total rate per day or per session multiplied by the number of days or sessions the facility is occupied, as determined by the applicable rent table.

(Ord. No. 96-50, § 3, 1-17-96; Ord. No. 96-1379, § 2, 12-18-96; Ord. No. 03-1174, § 6, 12-3-03)

Sec. 12-47. Ticket surcharge.

(a) In addition to the rental fees specified in this division for occupancy of the George R. Brown Convention Center, there is imposed a surcharge

that shall be payable in the following amounts for each event to which an admission fee of \$5.00 or more per ticket is imposed:

\$1.00 Upon each admission ticket sold at a face value of \$10.00 or more.

\$0.50 Upon each admission ticket sold at a face value of at least \$5.00 but less than \$10.00.

The term "ticket" includes all forms of entry control utilized to impose a fee of any sort for admission to an event with the exception of registration fees for a convention, entry charges for a class III event or fees charged for other functions of like character where admission is typically by registration as determined by the director. The surcharge shall be imposed in accordance with rules adopted by the director. In addition to any other deposits, the director may require a deposit for the anticipated surcharge and may require the licensee to use serially numbered tickets to ensure an accurate accounting of the surcharge. To the extent that the amount of the surcharge is subject to any tax or fee imposed by law, the licensee shall ensure that entry charges are adjusted or take whatever other action may be required to ensure that the director receives the full amount of the surcharge fee (\$1.00 or \$0.50, as applicable).

The financial officers of the city shall be given access to box office records, ticket receipts and all other documents reasonably required to verify the licensee's accounting of the surcharge. The proceeds of the ticket surcharge for the George R. Brown Convention Center shall be deposited in the department's operating fund and shall be utilized for any lawful purpose relating to maintenance, operation or improvement of the George R. Brown Convention Center as directed by the city council.

(b) Surcharges that are equivalent to those provided in subsection (a) for the George R. Brown Convention Center are also imposed for occupancy of the Jesse H. Jones Hall for the Performing Arts and the Gus S. Wortham Theater Center in accordance with contractual provisions estab-

lished between the city and operating companies using those facilities. If any one or more of the agreements with the operating companies expires or terminates, the director shall implement the surcharge in accordance with rules that the director may prescribe for any facility for which no agreement has been reached. Proceeds from the surcharge, whether imposed contractually or by the director, shall be retained and utilized for backstage operation and maintenance, theatrical equipment and depreciable capital improvements of the respective facilities and in accordance with the contract with the operating company, if a contract exists.

(Ord. No. 96-50, § 3, 1-17-96; Ord. No. 96-1379, § 4, 12-18-96; Ord. No. 03-1174, § 7, 12-3-03)

Sec. 12-48. Negotiation of rates.

Whenever in this division rates are made negotiable, a single figure stated shall be the maximum rate, and the director may set or agree to a lower rate, taking into account the following factors, provided that if the figures stated indicate a range of rates, the director shall not accept less than the minimum stated figure.

- (1) Level and degree of competition with other comparable facilities;
 - (2) Anticipated tax revenues to the city;
 - (3) Anticipated concession (food and beverage, utility services, audio-visual, exhibitor cleaning and other) fees and other incidental revenues to the department; and
 - (4) Economic benefit to the community.
- (Ord. No. 96-50, § 3, 1-17-96)

Sec. 12-49. Rates for other areas.

All other areas of the properties not assigned a rental charge by ordinance may be rented at rates negotiated by the director if he concludes that such occupancy will not interfere with other scheduled events and will not interfere with the maintenance of such areas.

(Ord. No. 96-50, § 3, 1-17-96)

Sec. 12-50. Occupancy of the Jesse H. Jones Hall for the Performing Arts.

Rental charges for occupancy of the Jesse H. Jones Hall for the Performing Arts shall be as follows:

RENTAL TABLE 12-50
FOR THE
JESSE H. JONES HALL FOR THE PERFORMING ARTS

<i>Category</i>	<i>Class I</i>	<i>Class II</i>
Per day for one presentation, performance or occurrence of one event	10 percent of gross ticket sales, subject to minimum of \$3,700.00 and maximum of \$5,000.00	\$2,300.00
Per event period for one presentation, performance or occurrence of one event	10 percent of gross ticket sales, subject to minimum of \$2,700.00 and maximum of \$5,000.00	1,700.00
Per student event	1,100.00	750.00
Per non-event day	1,500.00	1,100.00
Per non-event period	1,091.00	818.00
Additional events in same time period	N/A	N/A
Additional time, per hour	325.00	325.00
Holiday premium	1½ times regular rate	1½ times regular rate

All rental rates that are expressed in dollar amounts in the foregoing rental table are for license agreements executed through and including July 31, 2000. On August 1, 2000, the rates shall increase by four percent. On August 1 of each year thereafter, the rates shall increase by an amount equal to the percentage increase in the Consumer Price Index - All Urban Consumers for Houston-Galveston (CPI-U) for the preceding calendar year, provided that (i) if the CPI-U has not increased or if the amount of the percentage increase is less than one percent, then the rental rates shall nevertheless be increased by one percent, and (ii) further provided that if the CPI-U has increased by more than three percent, then the rental rates shall nevertheless be increased by only three percent. The director shall annually calculate the effective rates and make them available in his office upon request for public inspection. Each license agreement shall be subject to the rental rate that is in effect at the time of the execution of the license agreement pursuant to section 12-35 of this Code.

(Ord. No. 96-50, § 3, 1-17-96; Ord. No. 00-136, § 1, 2-23-00; Ord. No. 03-1174, § 8, 12-3-03)

Sec. 12-51. Reserved.

Editor's note—Ord. No. 03-1174, § 9, adopted December 3, 2003, repealed § 12-51 in its entirety. Formerly, said section pertained to occupancy of the Music Hall and derived from Ord. No. 96-50, § 3, 1-17-96.

Sec. 12-52. Occupancy of the Gus S. Wortham Theater Center.

(a) *Alice and George Brown Theater*. Rental charges for occupancy of the Alice and George Brown Theater shall be as follows:

RENTAL TABLE 12-52(a)
FOR THE
ALICE AND GEORGE BROWN THEATER

Category	Class I	Class II
Per day for one presentation, performance or occurrence of an event	10 percent of gross ticket sales, subject to minimum of \$3,700.00 and maximum of \$5,000.00	\$2,300.00
Per event period for one presentation, performance or occurrence of an event	10 percent of gross ticket sales, subject to minimum of \$2,700.00 and maximum of \$5,000.00	1,700.00
Per student event	1,100.00	750.00
Per non-event day	1,800.00	1,100.00
Per non-event period	1,318.00	818.00
Additional events in same time period	N/A	N/A
Additional time, per hour	325.00	325.00
Holiday premium	1½ times regular rate	1½ times regular rate

(b) *Lillie and Roy Cullen Theater*. Rental charges for occupancy of the Lillie and Roy Cullen Theater shall be as follows:

RENTAL TABLE 12-52(b)
FOR THE
LILLIE AND ROY CULLEN THEATER

Category	Class I	Class II
Per day for one presentation, performance or occurrence of an event	\$1,800.00	\$1,500.00
Per event period for one presentation, performance or occurrence of an event	1,600.00	1,200.00
Per student event	700.00	700.00
Per non-event day	1,000.00	1,000.00
Per non-event period	500.00	500.00
Additional events in same time period	½ regular rate	½ regular rate
Additional time, per hour	325.00	325.00
Holiday premium	1½ times regular rate	1½ times regular rate

All rental rates that are expressed in dollar amounts in the foregoing rental table are for license agreements executed through and including July 31, 2000. On August 1, 2000, the rates shall increase by four percent. On August 1 of each year thereafter, the rates shall increase by an amount equal to the percentage increase in the Consumer Price Index - All Urban Consumers for Houston-Galveston (CPI-U) for the preceding calendar year, provided that (i) if the CPI-U has not increased or if the amount of the percentage increase is less than one percent, then the rental rates shall nevertheless be increased by one percent, and (ii) further provided that if the CPI-U has increased by more than three percent, then the rental rates shall nevertheless be increased by only three percent. The director shall annually calculate the effective rates and make them available in his office upon request for public inspection. Each license agreement shall be subject to the rental rate that is in effect at the time of the execution of the license agreement pursuant to section 12-35 of this Code.

(Ord. No. 96-50, § 3, 1-17-96; Ord. No. 00-136, § 2, 2-23-00; Ord. No. 03-1174, §§ 10, 11, 12-3-03)

Sec. 12-53. Occupancy of the George R. Brown Convention Center.

(a) *Convention, trade show or corporate meeting.* For a convention, trade show or corporate meeting, charges are as follows:

- (1) *Rental charges.* Rental charges shall be the greater of:
 - a. Total rental charge, determined as set forth in Rental Table 12-53(a); or
 - b. Total exhibit space charge, if applicable, where the net square footage is determined as follows:
 - (i) For a single exhibit hall, net square footage shall be equal to a minimum of 25 percent of the gross square feet.
 - (ii) For multiple exhibit halls, net square footage shall be equal to a minimum of 35 percent of the combined gross square feet.

RENTAL TABLE 12-53(a)
FOR CONVENTIONS, TRADE SHOWS
OR CORPORATE MEETINGS

<i>Space</i>	<i>Rate per Day</i>
Each Exhibit Hall	\$1,600.00
Any one Ballroom Section	1,200.00
Any two Ballroom Sections	1,500.00
Any three Ballroom Sections	2,000.00
Any one General Assembly Section	1,200.00
Any two General Assembly Sections	1,500.00
Any three General Assembly Sections	2,000.00
Each Balcony Section	500.00
Each Meeting Room Section	200.00

- (2) *Some rates negotiable.* Rates for non-exhibit and function space are negotiable. Consideration will be given to increased food and beverage, audio-visual, and utilities usage.
- (3) *Additional charge for non-event days.*
 - a. *With exhibits.* The licensee shall be allowed one and one-half complimentary non-event days per event day up to a maximum of five complimentary non-event days; additional non-event days shall be charged at the established rate per day.
 - b. *Without exhibits (general session or poster session) or for function space.* Non-event days shall be charged at one-half the established rate per day.
- (b) *Class I event.* For a Class I event, charges are as follows:
 - (1) *Rental charges.* Rental charges shall be the greater of:
 - a. Total rental charge, determined as set forth in Rental Table 12-53(b);
 - b. Total exhibit space charge, if applicable; or
 - c. Ten percent of gross ticket sales.

RENTAL TABLE 12-53(b)
FOR CLASS I EVENTS

<i>Space</i>	<i>Rate per Day</i>
Each Exhibit Hall	\$5,000.00

<i>Space</i>	<i>Rate per Day</i>
Any one Ballroom Section	2,000.00
Any two Ballroom Sections	2,500.00
Any three Ballroom Sections	3,000.00
Any one General Assembly Section	2,000.00
Any two General Assembly Sections	2,500.00
Any three General Assembly Sections	3,000.00
Each Balcony Section	500.00
Each Meeting Room Section	200.00

- (2) *Some rates negotiable.* If the licensee is renting one or more Exhibit Halls, the rental rates for function space shall be negotiable. Consideration will be given to increased food and beverage, audio-visual, and utilities usage.
- (3) *Additional charge for non-event days.*
- With exhibits.* The licensee shall be allowed one complimentary non-event day per event day up to a maximum of five complimentary non-event days; additional non-event days shall be charged at one-half the established rate per day.
 - Without exhibits (general session or poster session) or for function space.* Non-event days shall be charged at one-half the established rate per day.
- (c) *Class II event.* For a Class II event, charges are as follows:
- (1) *Rental charges.* Rental charges shall be the greater of:
- Total rental charge, determined as set forth in Rental Table 12-53(c); or
 - Ten percent of gross ticket sales.

RENTAL TABLE 12-53(c)
FOR CLASS II EVENTS

<i>Space</i>	<i>Rate per Day</i>
Each Exhibit Hall	\$3,000.00
Any one Ballroom Section	2,000.00
Any two Ballroom Sections	2,500.00
Any three Ballroom Sections	3,000.00
Any one General Assembly Section	2,000.00
Any two General Assembly Sections	2,500.00
Any three General Assembly Sections	3,000.00
Each Balcony Section	500.00
Each Meeting Room Section	150.00

- (2) *Some rates negotiable.* If a licensee is renting one or more Exhibit Halls, the rental rates for function space shall be negotiable. Consideration will be given to increased food and beverage, audio-visual, and utilities usage.
- (3) *Additional charge for non-event days.* All non-event days shall be charged at one-half the established rate per day.
- (d) *Class III event.* For a Class III event, charges are as follows:
- (1) *Rental charges.* Rental charges are set forth in Rental Table 12-53(d).

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RENTAL TABLE 12-53(d)
FOR CLASS III EVENTS

<i>Space</i>	<i>Rate per Day</i>
Each Exhibit Hall	\$1,500.00
Any one Ballroom Section	500.00
Any two Ballroom Sections	600.00
Any three Ballroom Sections	750.00
Each Balcony Section	500.00
Each Meeting Room Section	100.00

- (2) *All rates negotiable.* Consideration will be given to increased food and beverage, audio-visual and utilities usage.
- (3) *Additional charge for non-event days.* All non-event days shall be charged at one-half the established rate per day.
- (Ord. No. 96-50, § 3, 1-17-96; Ord. No. 96-1379, § 2, 12-18-96; Ord. No. 03-1174, § 12, 12-3-03)

Sec. 12-54. Additional time.

Under no circumstances will a licensee be allowed to occupy a facility in excess of the hours specified in the license agreement, unless the director consents to such occupancy and the licensee pays the prescribed charge for the additional time.

(Ord. No. 96-50, § 3, 1-17-96; Ord. No. 96-1379, § 2, 12-18-96)

Secs. 12-55—12-60. Reserved.

**DIVISION 4. PARKING RATES FOR
PARKING FACILITIES**

Sec. 12-61. Parking in the parking facilities.

Rates for use of the parking facilities shall be as provided in this division.

(Ord. No. 96-50, § 3, 1-17-96)

Sec. 12-62. Contract parking.

(a) Rates for contract parking in the Margaret Westerman City Hall Annex Parking Garage shall be an amount not to exceed \$101.62, plus any applicable sales tax, per month.

(b) Rates for contract parking in the Theater District Garage shall be an amount not to exceed \$125.00, plus any applicable sales tax, per month.

(c) Rates for contract parking in the Fannin Garage shall be an amount not to exceed \$73.90, plus any applicable sales tax, per month.

(d) Rates for contract parking in Lots C and H shall be an amount not to exceed \$46.19, plus any applicable sales tax, per month.

(e) The rates set forth in subsections (a) through (d), above, are for unreserved parking only. The director is authorized to make reserved parking spaces available for an amount not to exceed \$200.00, plus any applicable sales tax, per space, per month.

(f) The director, for the mayor and on behalf of the city, may execute written contractual parking agreements upon standard forms, including such terms, conditions and stipulations as the city attorney may approve. The director may agree to hold a number of parking spaces or an established rate in the parking agreement for a period not to exceed three years. The contractual rates established by the director shall include the uniform terms, conditions and rates under which contractual parking agreements will be entered into. The provisions of this subsection shall apply to all parking facilities that are operated by the department.

(g) The director is authorized to extend reduced parking rates for use of the parking facilities to those non-city employees who are perma-

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nently assigned by their employers to work in city owned or operated office buildings and other city facilities.

(h) The fees set forth in this section shall not be applicable to elected officials of the city or employees of the city who, consistent with city policies for personnel parking, are authorized to park vehicles in the parking facility while at work. Those persons shall be entitled to park in their assigned parking facility without charge, if the parking is incidental to the performance of their duties of office or employment.

(Ord. No. 96-50, § 3, 1-17-96; Ord. No. 96-1379, §§ 5, 6, 12-18-96; Ord. No. 98-894, §§ 2, 5, 10-7-98)

Note—Ordinance No. 98-894 shall take effect at 12:01 a.m. on November 1, 1998. Any vehicle that is parked in a facility for which rates are increased under § 12-62 at the time it becomes effective shall be governed by the rates as formerly established for the duration of the parking episode, and the former provisions that are amended in § 12-62 are saved from repealed for that limited purpose.

Sec. 12-63. Noncontract parking.

Rates for noncontract parking shall be as follows:

(1) For the Theater District Garage and Fannin Garage:

- a. At any time Monday through Friday, from 6:00 a.m. to 5:00 p.m., users shall be charged a rate to be established by the director between a minimum of \$1.39, plus any applicable sales tax, for each hour or fraction thereof, not to exceed \$5.54, plus any applicable sales tax, per day, and a maximum of \$2.77, plus any applicable sales tax, for each hour or fraction thereof, not to exceed \$8.31, plus any applicable sales tax, per day. In addition to the foregoing hourly rates, the director is authorized to establish special flat rates for parking in connection with events held during the foregoing hours and adjusted hours, if necessary. In determining whether to offer the special daytime event rate, the director

shall take into consideration the event start time and the expected vehicle volume.

- b. At any time Monday through Friday, from 5:00 p.m. to 6:00 a.m. and all day on Saturdays and Sundays, users shall be charged an amount not to exceed \$6.45, plus applicable sales tax, per day, per vehicle.

(2) For the various George R. Brown Convention Center surface lots operated by the department, users shall be charged an amount not to exceed \$13.86, plus any applicable sales tax, per 24-hour period, or any portion thereof, per vehicle. The director is authorized to set aside a number of parking spaces for use of the event operator's vehicles; the privilege of such use is to be included without additional charge in the license agreement for occupancy of the George R. Brown Convention Center. Notwithstanding the foregoing rates, there shall be no charge to department employees assigned by the director to park in these lots.

(3) For the Margaret Westerman City Hall Annex Parking Garage and the Fannin Garage when operated by the department for event parking, users shall be charged an amount not to exceed \$4.62, plus applicable sales tax, per day, per vehicle.

(4) For Lot C, being that parking lot bounded by Memorial Drive, West Capitol, Buffalo Bayou, and Interstate 45:

- a. Monday through Friday, from 6:00 a.m. to 5:00 p.m., or any fraction thereof: Not more than \$2.77, plus any applicable sales tax, per day.
- b. Special events parking, Monday through Friday, from 5:00 p.m. to 6:00 a.m., with allowances for show times scheduled outside that period, and all day Saturday, Sunday, and holidays, or any fraction thereof: Not less than \$1.85, nor more than \$2.27, plus any applicable sales tax, per day.

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- (5) For Lot H, being that parking lot bounded by Memorial Drive, Interstate 45, and Sabine Street:
 - a. Monday through Friday, from 6:00 a.m. to 5:00 p.m., or any fraction thereof: Not more than \$2.77, plus any applicable sales tax, per day, provided that no fee shall be imposed for persons serving as jurors in the municipal courts.
 - b. Special events parking, Monday through Friday, from 5:00 p.m. to 6:00 a.m., with allowances for show times scheduled outside that period, and all day Saturday, Sunday, and holidays, or any fraction thereof: Not less than \$1.85, nor more than \$2.77, plus any applicable sales tax, per day.
 - (6) For the municipal courts parking lot, being that parking lot bounded by Lubbock, Reisner, West Capitol, and Houston Avenue:*
 - (7) For purposes of the foregoing rates, a holiday that falls on a weekday shall be treated the same as a Saturday or Sunday.
 - (8) The rates provided in this section do not include in-and-out privileges, and the fee will be imposed for each time the vehicle is parked in, at or upon the facility.
 - (9) The director is authorized to establish rules related to parking within the facilities as he may deem necessary.
(Ord. No. 96-50, § 3, 1-17-96; Ord. No. 96-1379, §§ 2, 7, 12-18-96; Ord. No. 98-894, §§ 2, 5, 10-7-98; Ord. No. 03-1174, § 13, 12-3-03; Ord. No. 05-995, § 4, 8-24-05; Ord. No. 06-732, § 2, 6-28-06)
- *Note**—To the extent that the Code of Ordinances, Houston, Texas, or any other ordinance or any motion, resolution, or other document devolves duties relating to the management of parking spaces in the City upon the Municipal Courts Administrative Department or the Director or Chief Clerk thereof, then such references shall be construed to mean the Convention and Entertainment Facilities Department and the Director thereof.
- Sec. 12-64. Rate adjustments by director.**
- Wherever in sections 12-62 and 12-63 of this Code rates are stated as a not to exceed maximum amount or the director is authorized to set rates within a range or offer special rates, the actual rate shall be established by the director. The director shall seek to establish the rates in consideration of market conditions and with a view to maximizing the city's total recovery of revenue from the parking facilities. Without limitation, the director may offer incentives to encourage contract parking based on volume or new accounts.
(Ord. No. 96-50, § 3, 1-17-96; Ord. No. 98-894, §§ 2, 5, 10-7-98)
- Note**—Ordinance No. 98-894 shall take effect at 12:01 a.m. on November 1, 1998. Any vehicle that is parked in a facility for which rates are increased under § 12-64 at the time it becomes effective shall be governed by the rates as formerly established for the duration of the parking episode, and the former provisions that are amended in § 12-64 are saved from repealed for that limited purpose.
- Secs. 12-65—12-100. Reserved.**

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ARTICLE III. PUBLIC PARKING COMMISSION*

Sec. 12-101. Created.

There is hereby created a public parking commission.

(Ord. No. 05-993, § 2, 8-24-05)

Sec. 12-102. Composition.

(a) The commission shall be composed of nine regular members and six nonvoting ex officio members. The nine regular members and a representative of the city's municipal management districts, as provided in subsection (c)(6), shall be appointed by the mayor and confirmed by the city council. The commission shall make recommendations to city council on the appropriate number of its members.

(b) At least seven of the nine regular members of the commission shall be persons knowledgeable of parking issues affecting commercial, institutional or residential areas in the city who possess substantial experience in one or more of the following areas: retail; job creation and retainage; residential parking; sports and entertainment; recreational opportunities; nonprofit institutional activity; air travel; hospitality; and commercial off-street parking operations.

(c) The ex officio members shall be:

- (1) The director of the convention and entertainment facilities department or his designee, who shall also serve as secretary to the commission;
- (2) The director of the public works and engineering department or his designee;
- (3) A designee of the Metropolitan Transit Authority of Harris County, Texas;
- (4) The director of the planning and development department or his designee.

***Editor's note**—Section 3 of Ord. No. 05-993 states that, notwithstanding the provisions of section 12-102 of the Code of Ordinances, Houston, Texas, the terms of the initial members of the public parking commission shall expire on December 31, 2006, for members in odd-numbered positions and on December 31, 2007, for members in even-numbered positions.

(5) A designee of the Harris County Commissioners Court.

(6) A person representing the city's municipal management districts.

(Ord. No. 05-993, § 2, 8-24-05)

Note—See editor's note at the beginning of this Art. III.

Sec. 12-103. Terms of members.

(a) Regular members shall serve a two-year term of office and shall continue in office until their successors are appointed and qualified. The terms for regular members in even-numbered positions shall commence on January 1 of each even-numbered year and end on December 31 of the following odd-numbered year. The terms for regular members in odd-numbered positions shall commence on January 1 of each odd-numbered year and end on December 31 of the following even-numbered year.

(b) If a commission member other than an ex officio member removes his actual residence from the city during the term of his appointment, that person shall be disqualified from membership on the commission, and his position shall become vacant effective simultaneously with such change in residency.

(Ord. No. 05-993, § 2, 8-24-05)

Sec. 12-104. Compensation.

The members of the commission, in the performance of their duties as such, shall serve without compensation.

(Ord. No. 05-993, § 2, 8-24-05)

Sec. 12-105. Chair.

The mayor shall designate the commission chair from among the regular members of the commission. At its first meeting of each calendar year, the regular members of the commission shall elect a vice chair who shall perform the duties of the chair when the chair is absent or unable to perform such duties.

(Ord. No. 05-993, § 2, 8-24-05)

Sec. 12-106. Quorum.

A majority of the voting members of the commission shall constitute a quorum; however, in

the event of a vacancy on the commission, a majority of the remaining voting members of the commission, or of the voting membership of the commission as diminished by such vacancies, shall constitute a quorum for the transaction of business.

(Ord. No. 05-993, § 2, 8-24-05)

Sec. 12-107. Committees.

The commission may form advisory committees, including persons not on the commission, to assist it in the discharge of its responsibilities.

(Ord. No. 05-993, § 2, 8-24-05)

Sec. 12-108. Absence from meetings.

Absences may be excused only upon a finding of good cause therefor by a majority of the commissioners present and voting at any scheduled meeting. Three successive unexcused absences of any member from regularly scheduled meetings, after due notice served by telephone or mail of the time and place of such meetings, shall automatically vacate the member's position on the commission.

(Ord. No. 05-993, § 2, 8-24-05)

Sec. 12-109. General powers and duties.

(a) The commission shall have power and it shall be its duty:

- (1) To review data relating to all on-street and off-street parking facilities in the city.
- (2) To develop a comprehensive inventory of both on-street and off-street parking facilities city-wide and by specific areas, including the central business district and other areas where significant demand for parking exists or is anticipated to occur in the future.
- (3) To develop a parking facility database for use in managing existing parking and planning for future parking needs in the future.
- (4) To request annual reports from the traffic and transportation division of the department of public works and engineering, the municipal courts administration and judicial departments, and other city depart-

ments consisting of such data, statistics and other available information necessary to maintain the city's inventory of parking assets, analyze existing parking needs and plan for future parking to support the growth and development of the city.

- (5) To conduct public hearings on parking needs and related issues, both present and anticipated, in the central business district and other areas of the city, as the commission may deem necessary or expedient.
 - (6) To recommend to the city council, with the concurrence of the traffic engineer, such additional ordinances, rules, regulations or procedures, including but not limited to on-street parking rates, duration, time and days of operation, as the commission may deem advisable to meet present or future parking needs of the city.
 - (7) To recommend to the city council such capital improvements or other programs as the commission shall consider necessary to accommodate the present or future parking needs of the city.
 - (8) To conduct studies of the current or anticipated parking needs of the city or any locale as the commission shall deem necessary or advisable and to report its findings on such matters to the city council not less than annually.
 - (9) To provide a forum for input on present and future parking needs and related issues for stakeholders and other interested parties.
- (b) Additionally, the commission shall have the power:
- (1) To make or cause to be made plans and maps of the whole or any portion of the city which, in the opinion of the commission, relate to the planning and development of parking facilities for the city, and to make changes in, additions to, and extensions of such plans or maps when it deems advisable. The commission may adopt a plan as a whole by a single reso-

lution, or may, by successive resolutions, adopt successive parts of the plan, such parts to correspond to geographical sections of the city, or to functional divisions of the subject matter of the plan, as determined by the commission, and may adopt any amendment or extension thereof or addition thereto. Before the adoption of the plan or any part, amendment, extension or addition, the commission shall hold at least one public hearing thereon after not less than 15 days' notice published in a daily newspaper of general circulation printed in the city. A copy of the plan or part thereof, showing the date of its approval by the commission and bearing the signature of the commission chair, shall be presented to the city council for its review and final adoption. The city council, by ordinance, may adopt a parking plan designated as a comprehensive parking plan or a portion of a comprehensive parking plan as proposed by the commission.

- (2) To coordinate with all other municipal and governmental agencies in formulating and executing parking policies and regulations to accommodate development in the city.
- (3) To recommend to the city council routes of transportation corridors and to investigate and recommend the alteration or other changing of streets to best manage the city's parking facilities and system.
- (4) To recommend to the city council, with the concurrence of the traffic engineer, the planning official, or any city official charged with any responsibility relating to parking, traffic regulations and controls that directly affect the parking needs or facilities of any area of the city or of the city as a whole, including, but not limited to, off-street parking.
- (5) To investigate, consider and recommend to the city council all matters for the development and advancement of the city's parking operations and facilities.

(c) Nothing contained in this article is intended to invalidate any parking control device installed, or determination made regarding a particular parking situation, pursuant to any discretion conferred upon the traffic engineer in this Code.

(Ord. No. 05-993, § 2, 8-24-05)

Sec. 12-110. Rules, regulations and bylaws.

The commission shall, subject to the approval of the city council, make such rules and regulations and adopt such bylaws for its own governance and designate such times and places for holding meetings as it deems proper.

(Ord. No. 05-993, § 2, 8-24-05)

Sec. 12-111. Commission meetings.

(a) The commission shall adopt a regular meeting schedule and shall give public notice of the meeting schedule annually by publication for three consecutive days in a daily newspaper of general circulation within the city. The commission may change this meeting schedule by the adoption of a new schedule, the effective date of which shall not be less than ten days after publication of the new schedule for three consecutive days in a daily newspaper having general circulation within the city and the area of extraterritorial jurisdiction. The commission may, by rule, designate the times and places for holding meetings as it deems proper.

(b) The commission may hold a special meeting for any purpose, subject to the provision of proper notice to the public of the meeting.

(Ord. No. 05-993, § 2, 8-24-05)